

Service Date: January 8, 1990

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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IN THE MATTER of the Application)	TRANSPORTATION DIVISION
of Cebulski Trucking, Inc., Seeley)	
Lake, Montana, for a Montana)	DOCKET NO. T-9408
Intrastate Certificate of Public)	
Convenience and Necessity.)	ORDER NO. 5960a

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ORDER DENYING MOTION FOR RECONSIDERATION

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On November 1, 1989 the Montana Public Service Commission (Commission) issued its final Order No. 5960 denying the application of Cebulski Trucking, Inc. (Cebulski) for intrastate authority to transport heavy equipment used in logging and road construction operations between all points and places in the Counties of Missoula, Flathead, Lake, Lewis and Clark, Powell, Deer Lodge, Silver Bow and Cascade. Counsel for Cebulski filed a Motion for Reconsideration and a supporting brief on November 9, 1989. Upon request by Protestants, the Commission voted on November 20, 1989 to waive ARM 38.2.4806(5) to allow Protestants to respond to the motion before Commission action on the motion, and granted Protestant's motion for extension of time to file a response.

On January 8, 1990 the Commission voted to deny Applicant's Motion for Reconsideration. The Applicant did not meet its burden of proof that there was a need or demand for the service which was not being met by existing carriers. Preference for a local carrier, absent proof that its services are needed to meet public convenience and necessity, is not sufficient to support a grant of authority. The Commission by this order denies the Motion for Reconsideration and affirms Order No. 5960 as the final order in this docket.

Done and Dated this 8th day of January, 1990 by a vote of 3-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

CLYDE JARVIS, Chairman

HOWARD L. ELLIS, Vice Chairman

WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Peck
Commission Secretary

(SEAL)

NOTE: You may be entitled to judicial review in this matter.
Judicial review may be obtained by filing a petition for review within thirty (30) days of the service of this order. Section 2-4-702, MCA.